

UNITED STATES DISTRICT COURT  
for  
WESTERN DISTRICT OF TENNESSEE

FILED BY \_\_\_\_\_ D.C.

U.S.A. vs. Howard Kevin Matthews05 DEC 15 PM 4:17  
Docket No. 2:01CR20181-001THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WUD: P. MEMPHIS

## Petition on Probation and Supervised Release

**COMES NOW** Lorin J. Smith, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Howard Kevin Matthews, who was placed on supervision by the Honorable Julia S. Gibbons sitting in the Court at Memphis, Tennessee on the 3<sup>rd</sup> day of May, 2002, who fixed the period of supervision at three (3) years\* with the following special conditions:

1. Employment and change of address must be approved by the probation officer.
2. The defendant must participate in specialized sex offender treatment program that may include use of a plethysmograph, polygraph, and any other appropriate tools.
3. The defendant shall possess no pornography.
4. The defendant may not directly or indirectly have contact with any child under age 18; may not reside with any child under age 18; and may not loiter near school yards, playgrounds, swimming pools, arcades, or other places frequented by children.
5. The defendant may not use sexually oriented telephone numbers or services.
6. The defendant's place of residence may not be in close proximity to parks, playgrounds, public pools, or other locations frequented by children.
7. Any proposed internet access or contact with devices that communicate via modem or dedicated connection shall be approved by the probation officer. Those sites are not to be used to access material depicting minors engaged in sexually explicit conduct, or to access any pornographic or obscene sites.

\* Supervision began November 22, 2005.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

Mr. Howard Kevin Matthews has a significant history of marijuana use as well as a history of the use of cocaine, opium, ecstasy and inhalants. Mr. Howard was previously hospitalized for treatment of his marijuana addiction. Mr. Matthews has signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision agreeing to the modification.

**PRAYING THAT THE COURT WILL ORDER** that Mr. Matthew's Supervised Release be modified to include, the following:

The defendant shall participate in a program which may include therapy for treatment of drug/alcohol dependency, including drug/alcohol testing. The defendant shall also abstain from the use of drugs/alcohol during and after the course of treatment.

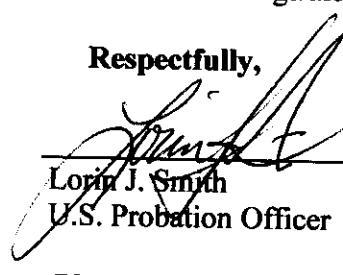
**ORDER OF COURT**

Considered and ordered this 11/14 day  
of Dec., 2005, and ordered filed  
and made a part of the records in the above  
case.



United States District Judge

Respectfully,

  
Lorin J. Smith

U.S. Probation Officer

Place: Memphis, TennesseeDate: December 8, 2005

United States District Court  
Western District of Tennessee

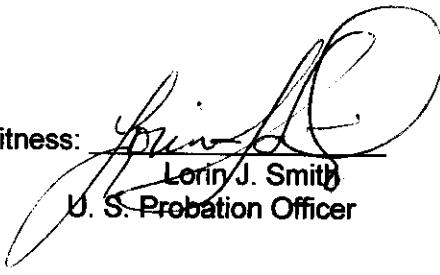
**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in a program which may include therapy for treatment of drug/alcohol dependency, including drug/alcohol testing. The defendant shall also abstain from the use of drugs/alcohol during and after the course of treatment.

Witness:

  
Lorin J. Smith  
U. S. Probation Officer

Signed:

  
Howard Matheny  
Defendant

Date:

11/22/05



# Notice of Distribution

This notice confirms a copy of the document docketed as number 44 in case 2:01-CR-20181 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT